

DEBORAH S. BALLATI (BAR NO. 067424)
 PATRICK R. MCKINNEY (BAR NO. 215228)
 FARELLA BRAUN & MARTEL LLP
 Russ Building, 235 Montgomery Street
 San Francisco, CA 94104
 Telephone: (415) 954-4400
 Facsimile: (415) 954-4480

DAVID L. ALEXANDER (BAR NO. 059069)
 CHRISTOPHER H. ALONZI (State BAR NO. 161303)
 Port Attorney's Office
 530 Water Street, 4th Floor
 Oakland, CA 94607
 Telephone: (510) 627-1348
 Facsimile: (510) 444-2093
 Attorneys for Plaintiff and Counterdefendant CITY
 OF OAKLAND, a municipal corporation, acting by
 and through its Board of Port Commissioners

ANDREW B. SABEY (BAR NO. 160416)
 TODD L. BURLINGAME (BAR NO. 126601)
 REBECCA D. KRUSE (BAR NO. 209092)
 MORRISON & FOERSTER LLP
 101 Ygnacio Valley Road, Suite 450, P.O. Box 8130
 Walnut Creek, California 94596-8130
 Telephone: (925) 295-3300
 Facsimile: (925) 946-9912

Attorneys for Defendant and Counterclaimant
 MACTEC ENGINEERING & CONSULTING, INC., a
 Delaware corporation

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

CITY OF OAKLAND, a municipal corporation,
 acting by and through its Board of Port
 Commissioners,

Plaintiff,

v.

HARDING ESE, INC., a Delaware corporation,
 MACTEC ENGINEERING & CONSULTING,
 INC., a Delaware corporation, and DOES 1-10,

Defendants.

AND RELATED COUNTERCLAIM

Case No. CV 03-03534 CW

**STIPULATION OF DISMISSAL
 WITH PREJUDICE AND
~~PROPOSED~~ ORDER**

1 IT IS HEREBY STIPULATED, by and between the parties to this action through their
2 designated counsel, that the above-captioned action be, and hereby is, dismissed in its entirety,
3 with prejudice, pursuant to Federal Rule of Civil Procedure, Rule 41(a)(1). Each side to bear its
4 own fees and costs.

5
6 Dated: October 25, 2005

MORRISON & FOERSTER LLP

7
8 By: _____

9 Andrew B. Sabey

10 Attorneys for Defendant and
Counterclaimant

11 Dated: November 2, 2005

FARELLA BRAUN & MARTEL LLP

12
13
14 By: /s/ _____

Deborah S. Ballati

15 Attorneys for Plaintiff and
16 Counterdefendant

17
18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19 Dated: 11/8/05

20
21 _____
Hon. Claudia Wilken
Judge, United States District Court

